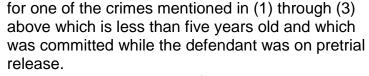
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,			
Plaintiff,	8:17CR21		
vs. BRIAN HARTWELL,	DETENTION ORDER PENDING TRIAL		
Defendant.			
A. Order For Detention After conducting a detention hearing pur Reform Act, the Court orders the above- U.S.C. § 3142(e) and (I).	rsuant to 18 U.S.C. § 3142(f) of the Bail named defendant detained pursuant to 18		
3. Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.			
X (1) Nature and circumstances of X (a) The crime: (Count I) Out and (Count IV) Posses Methamphetamine (maximum penalty of A (b) The offense is a crimo X (c) The offense involves	Services Report, and includes the following: of the offense charged: Conspiracy Methamphetamine (mixture), ession with Intent to Distribute nixture) are serious crimes and carry a 40 years imprisonment per count. e of violence.		
X (3) The history and characteris (a) General Factors: The defendan which may aff	against the defendant is high. tics of the defendant including: at appears to have a mental condition fect whether the defendant will appear. at has no family ties in the area.		

		The defendant has no steady employment.
		The defendant has no substantial financial resources.
		The defendant is not a long time resident of the
		community.
		The defendant does not have any significant community
		ties.
		Past conduct of the defendant:
		The defendant has a history relating to drug abuse.
		The defendant has a history relating to alcohol abuse.
		X The defendant has a significant prior criminal record. The defendant has a prior record of failure to appear at
		The defendant has a prior record of failure to appear at court proceedings.
	(b)	At the time of the current arrest, the defendant was on:
	(D)	Probation
		Parole
		Supervised Release
		Release pending trial, sentence, appeal or completion of
		sentence.
	(c)	Other Factors:
		The defendant is an illegal alien and is subject to
		deportation.
		The defendant is a legal alien and will be subject to
		deportation if convicted.
		The Bureau of Immigration and Customs Enforcement
		(BICE) has placed a detainer with the U.S. Marshal. Other:
Χ	(4) The	nature and seriousness of the danger posed by the defendant's
	` '	as follows: Pending active warrant (Felony controlled substance)
		conviction (controlled substance 2008).
	<u>1 1101 101011y</u>	Conviolien (Controlled Capatarios 2000).
Χ	(5) Reb	uttable Presumptions
		rmining that the defendant should be detained, the Court also
		on the following rebuttable presumption(s) contained in 18 U.S.C.
	§ 3142	(e) which the Court finds the defendant has not rebutted:
	<u>X</u>	(a) That no condition or combination of conditions will
		reasonably assure the appearance of the defendant as
		required and the safety of any other person and the
		community because the Court finds that the crime involves:
		(1) A crime of violence; or
		(2) An offense for which the maximum penalty is life
		imprisonment or death; or
	•	X (3) A controlled substance violation which has a maximum penalty of 10 years or more; or
		(4) A felony after the defendant had been convicted of
	•	two or more prior offenses described in (1) through
		(3) above, and the defendant has a prior conviction
		(-,



X (b) That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because the Court finds that there is probable cause to believe:

X (1) That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more.

(2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device).

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 1st day of February, 2017.

BY THE COURT:

s/ F.A. Gossett, III United States Magistrate Judge